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SUBJECT: U/S OTERO LEADS USG TO HRC "REFLECTION GROUP"

¶11. (SBU) Summary: Mexico and France hosted a meeting in Mexico City October 29-30 on strengthening the United Nations Human Rights Council (HRC) and to discuss the 2011 Review of its mandate by the General Assembly. A hand-selected group of HRC Member States, representing its five regional groups, gathered in Mexico City to evaluate the pros and cons of the HRC's existing structure. Most representatives argued against both wholesale "reform" of the HRC and any "reopening" of the 2006 institution-building package (IBP), which established the Council's organization and rules. However, many favored specific amendments that would tackle the HRC's current shortcomings. Led by U/S Maria Otero and IO DAS Suzanne Nossel, the USG delegation suggested "broadening the toolkit" the Council uses to respond to human rights violations and holding governments more accountable when it comes to implementing HRC recommendations. The French and Moroccans volunteered host follow-up meetings next spring. End Summary.

Participants

¶12. (SBU) Co-hosts Mexico and France invited the delegations from Ghana, Jordan, Romania, Morocco, Nigeria, Republic of Korea, Spain, Costa Rica, India, Brazil, Switzerland, Ukraine, the United States, and Argentina to participate in a "Reflection Group on the Strengthening of the Human Rights Council." These countries were drawn from the UN's five regional groups and generally subscribe to constructive views regarding how to use the HRC to promote greater human rights respect. The NGOs Amnesty International, Human Rights Watch, and the International Commission of Jurists were also invited to send representatives. Maria Otero, Under Secretary for Democracy and Global Affairs, headed the USG delegation. The U.S. delegation also included Suzanne Nossel, Deputy Assistant Secretary for International Organizations (IO), Lynn Sicade, Deputy Director of the Office of Multilateral and Global Affairs (MLGA) for the Bureau for Democracy, Human Rights, and Labor (DRL), Lisa Sherman, G Special Assistant, Catherine Powell, Policy Planning Staff (S/P), Mark Cassayre, Counselor for the U.S. Permanent Mission in Geneva, and Nicole Otallah, First Secretary Political Officer in the U.S. Embassy in Mexico City.

Positive Dimensions of Existing HRC Structure

¶3. (SBU) Conference participants described the Universal Periodic Review (UPR), a system designed for States to evaluate one another on their respect for human rights, as one of the HRC's most constructive mechanisms to date. The reports by HRC special rapporteurs, experts in their fields, have raised the profile of human rights challenges and abuses. Further, HRC broadcasts its sessions through live webcasts, which currently reach over 80,000 viewers a day. With this technology, the HRC disseminates information directly to the public about individuals' human rights.

HRC's Limitations

¶4. (SBU) Despite the progress made in the HRC's first three years, it still has numerous limitations. Primarily, the Council has failed to adequately address chronic human rights abuses. The Swiss representative underscored that the Council's mandate included preventing human rights violations and responding to chronic violations, in places such as Afghanistan, Zimbabwe, and Guinea. He suggested that the HRC was failing on both scores. The participants identified further difficulties with the HRC special sessions: the often high threshold of encroachment on human rights needed to convene these emergency sessions, the absence of follow-up to HRC recommendations, the lack of cooperation by the concerned State, and the insufficient impact on victims' lives. Participants suggested that the Council needed greater flexibility to address country-specific situations, which could entail using special sessions differently or

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holding briefings on specific cases. The U.S. suggested pulling all country issues into one subset of the Council's work while enhancing the HRC's "toolkit" to address situations more relatively and flexibly, possibly by having a graded approach to problematic cases.

¶5. (SBU) The Reflection Group had a broader concern about the HRC's procedures and resources. Ideology has led some HRC members to exploit special sessions for political reasons. For example, representatives at the Reflection Group highlighted misrepresentation within the HRC system designed to organize participation for UPR observer countries and NGOs, known as the "queuing system." Human rights-violating States have asked countries and/or NGOs friendly to them to arrive hours early to sign-up, skewing the number of serious participants and UPR reports' results. The Costa Rican Ambassador commented that, logistically, small countries and NGOs often find it difficult to staff-up for the HRC, particularly when the UN's Third Committee and the UNGA are in session. This drain can also impact the USG. Therefore, the U.S. delegation suggested readjusting the schedule of the HRC's annual sessions to address this concern.

Review Process

¶6. (SBU) The Reflection Group's most significant themes related to the Review revolved around the HRC's internal structure, whether or not to reopen debate on the 2006 institution-building package (IBP), how to improve the HRC's impact on victims of HR abuses, and how to time and coordinate the Review itself. The Indian delegate argued that the Review should not reopen the IBP or change the HRC's rules/structure. Most participants agreed with the Indians that the Council should not reopen the entire IBP, but many did argue strenuously in favor of some internal reform, such as changing the "queuing" process.

¶7. (SBU) The conference attendees proposed numerous steps to increase the HRC's influence over the lives of victims of human rights abuses. The International Commission of Jurists representative suggested regular country debates with

experts, roundtables with Rapporteurs, and follow-up to the UPR with a high-level representative to ensure implementation of the UPR recommendations for each country. The Swiss argued for giving more moderate HRC members a voice in finding creative solutions when the Council deadlocks on resolutions. The Nigerians proposed the creation of regular cross-regional consultations. The Office of the High Commissioner for Human Rights (OHCHR) underscored the need to provide the HRC more institutional support, and the Swiss also advocated more financing for the Office of the President.

USG messaging

¶8. (SBU) U/S Otero emphasized that the USG saw the HRC as a value-added tool in the human rights community, especially through the UPR, the work of special rapporteurs, its technical assistance, and the Council's flexibility. IO DAS Nossel raised six areas that the USG judged should be discussed in the 2011 Review:

- meeting the expectations of HR victims;
- avoiding polarization along UN block politics;
- improving the Council's interaction with Governments;
- strengthening implementation and response to the HRC's recommendations;
- resolving some of the difficulties related to the HRC's membership and composition; and
- linking the Geneva and NYC review processes and ensuring that the NYC human rights community relies on Geneva's expertise.

"Reflection Group" Follow-up and Review Integration

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¶9. (U) The primary movers behind the Mexico conference, the French, plan to host another meeting of the "Reflection Group" in Paris this spring. The leadership of the group will then diversify, as the Moroccans plan to hold a third session. Depending on timing, the Argentinens may choose to host a fourth. The participants debated how to weave the Reflection Group process back into the official 2011 Review, which, according to a resolution proposed by the Russians, will consist of several meetings running from June-December 2011, culminating in a report to the UN General Assembly. Though the U.K. representative noted that the UNGA resolution on the Review left several deadlines open to interpretation, she advocated for completing the Review by June 18, 2011. The HRC would then send the results directly to the General Assembly -- and not the Third Committee -- presumably with strong contributions by the Reflection Group. Most participants preliminarily agreed with these suggestions.

¶10. Comment. Mexico and France deserve credit for drawing together some moderate voices within the HRC as part of an attempt to use the Review as a lever to for change within the Council and the multi-lateral human rights community. Going forward, though, the "Reflection Group" will face a challenge in transitioning from the brainstorming stage to a united vision. The group will have an even greater challenge in seeking to integrate its recommendations into the work of the HRC Review working-group scheduled to begin in Geneva in June, in accordance with a September Russian resolution, as well as the yet undefined review process expected to take place at the General Assembly in New York. End comment. Visit Mexico City's Classified Web Site at <http://www.state.sgov.gov/p/wha/mexicocity> and the North American Partnership Blog at <http://www.intelink.gov/communities/state/nap/> / PASCUAL